

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

GENERAL CONFERENCE CORPORATION  
OF SEVENTH-DAY ADVENTISTS, *et al.*,

Plaintiffs,

v.

No. 1:06-cv-01207-JDB-egb

WALTER MCGILL d/b/a CREATION  
SEVENTH DAY ADVENTIST CHURCH,  
*et al.*,

Defendants.

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MOTION TO ADD FURTHER SPECIFICS TO THE COURT'S  
PERMANENT INJUNCTION ENTERED MAY 28, 2009, AS FURTHER DEFINED BY  
ORDER ENTERED JANUARY 6, 2010

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The Plaintiffs move the Court to enter an order with supplementary definition so as to give full effect to the injunction already entered in this case pursuant to Fed. R. Civ. P. 65, and affirmed by the Sixth Circuit Court of Appeals. Grounds for this Motion are as follows:

1. The Plaintiffs have taken numerous steps to enforce the Injunction Order entered May 28, 2009, as was further defined by the Court's Order entered January 6, 2010. The instant Motion is necessary in order to provide further specific detail from the Court such that recipients of the Order will take the action necessary to effectuate the Court's previous orders and prevent the conduct previously enjoined.

2. In the Order entered May 28, 2009 (D.E. No. 98), the Permanent Injunction provided as follows:

Defendant and his agents, servants and employees, and all those persons in active concert or participation with them, are forever enjoined from using the mark SEVENTH-DAY ADVENTIST, including the use of the words

SEVENTH-DAY or ADVENTIST, or the acronym SDA, either together, apart, or as part of, or in combination with any other words, phrases, acronyms or designs, or any mark similar thereto or likely to cause confusion therewith, in the sale, offering for sale, distribution, promotion, provision or advertising of any products and services, and including on the Internet, in any document name, key words, metatags, links, and any other use for the purpose of directing Internet traffic, at any locality in the United States. Subject to the foregoing, Defendant may use these terms in a non-trademark sense, such as oral or written use of the marks to refer to the Plaintiffs, or oral or written use of certain terms in a non-trademark descriptive sense, such as “this Church honors the Sabbath on the ‘seventh day,’” or “the members of this church believe in the ‘advent’ of Christ.”

As it pertains to all labels, signs, prints, packages, wrappers, receptacles, and advertisements bearing the SEVENTH-DAY ADVENTIST mark, or bearing the words SEVENTH-DAY or ADVENTIST, or the acronym SDA, either together, apart, or as part of, or in combination with any other words, phrases, acronyms or designs, or any mark similar thereto or likely to cause confusion therewith, and all plates, molds, matrices, and other means of making the same (collectively, “Defendant’s Infringing Articles”), Defendant shall either: (1) deliver Defendant’s Infringing Articles to Plaintiffs’ attorney within twenty (20) days after issuance of the Order, to be impounded or permanently disposed of by Plaintiffs; or (2) permanently dispose of Defendant’s Infringing Articles himself within twenty (20) days of this Order, and also within twenty (20) days of this Order certify in writing and under oath that he has personally complied with this Order.

Regardless of the manner of disposal of Defendant’s Infringing Articles, Defendant shall file with the Clerk of this Court and serve on Plaintiffs, within twenty (20) days after issuance of this Order, a report in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with the foregoing injunction.

3. By Order entered January 6, 2010 (D.E. No. 112), the Court provided further definition by ordering as follows:

The Court further finds that the following domain names and the websites located at such domain names violate the Injunction Order, and that all persons acting in concert with Defendant – including any website hosting companies and domain name registrars – are hereby ENJOINED from using or enabling the use of such domain names and websites:

[www.creationseventhdayadventistchurch.ca](http://www.creationseventhdayadventistchurch.ca)  
[www.csdadventistchurch.co.cc](http://www.csdadventistchurch.co.cc)

www.csdachurch.co.cc/  
www.csdachurch.0adz.com  
www.creationsdadventistrelief.to  
www.csda-adventistchurch.to  
www.creationsdadventistrelief.to  
www.adventistry.org  
www.creationseventhdayadventist.org.rw  
www.creationsdarelieff.0adz.com  
www.seventhdayadventistsda-v-creation7thdayadventistscsda-uslawsuit.net  
www.seventhdayadventism.org  
www.7thdayadventism.org/  
www.whypastorwaltermcgillisnotaffiliatedwithgcsdaadventistchurch.net  
www.csdachurch.wordpress.com  
www.csda-korea.org  
www.creationseventhdayadventistreliefprojectsint.ltd.ug  
www.seventhdayadventistchurchfoundwanting.us  
www.home.comcast.net/~7thdayadventist  
www.home.comcast.net/~csdachurch  
www.home.comcast.net/~creationsda  
www.home.comcast.net/~creation-adventist  
www.binaryangel.net  
www.thefourthangel.net  
www.home.comcast.net/~creation-sabbath  
www.home.comcast.net/~barbara\_lim  
www.home.comcast.net/~crmin

The Court further holds that Plaintiffs or their agents should be and are permitted to remove and permanently dispose of Defendant's signs and promotional materials that violate the Injunction Order, with the costs of such removal and disposal to be taxed to Defendant. Defendant's counsel should accompany Plaintiffs or their agent(s) during the removal of any infringing materials, and prior to the removal of any such signs or materials, Plaintiffs' counsel shall notify Defendant and any building managers, property owners, or landlords who may be affected. Finally, the Court ORDERS the Defendant to pay attorneys' fees and costs to the Plaintiffs in the amount of \$35,567.00.

4. As a result of developments, advancements, and changes in technology and internet-based communication, for effective enforcement, the Plaintiffs now have need of adding to the language "any website hosting companies and domain name registrars," from the 2010 Order, the following as being additional users, enablers or facilitators who are enjoined –

“domain name registries, domain name hosts, web servers, blog publishing services, search engines, social networks, social media companies and other service providers.”

5. The Plaintiffs also have need to add to the language from the 2009 Order “in any document name, key words, metatags, links” and to the language from the 2010 Order “domain names and websites” the following types of published content: “document, file, blog, bulletin board, video, post, tweet, webpage, social media page, social media account, social media post”.

6. The Plaintiffs also have need of adding to the language “using or enabling the use of such” from the 2010 Order, the following activities: “facilitating, hosting, linking to, distributing, reproducing, or making available in any other way, whether directly, contributorily, vicariously, actively or passively”.

7. The Plaintiffs further request that the Court specifically add the following websites as being enjoined from using, enabling or facilitating the use of such domain names and websites:

www.adventistry.to  
www.faithofjesus.to/  
www.thetrueadventistchurch.to  
www.adventismodelacreacion.org/  
www.creation7thdayadventist.to/  
www.thearkofnoah.today/  
www.angelfire.com/tn/csdachurch  
www.angelfire.com/fl/sdaremnant/index.html  
edenbrook.tripod.com/  
www.blogger.com/profile/13112019061178158534  
lexiconofapurefaith.blogspot.com/  
sundaylawdilemmatoday.blogspot.com/  
adventismoftoday.blogspot.com/  
www.blogger.com/profile/14957326305922033094  
adventismodelacreacion.blogspot.com/  
iglesiaasdhalladafalta.blogspot.com/  
juicioinvestigadordeyahshua.blogspot.com/  
ladeidadbiblica.blogspot.com/  
www.blogger.com/profile/11365397044184427065  
lasegundaevaybabilonialagrande.blogspot.com/

libertadyopresioneneladventismo.blogspot.com/  
reformasdactual.blogspot.com/  
marcadventista.foro.bz/  
plus.google.com/110744060513265868164/posts  
creation7thdayadventists.blogspot.com/  
twitter.com/CSDAChurch  
plus.google.com/101624433548400358109/about  
www.youtube.com/user/Adventiatrria  
vimeo.com/user33222441  
www.scribd.com/LoudCry-FuerteClamor  
www.slideshare.net/AdventismodelaCreacion/presentations  
en.wikipedia.org/wiki/Creation\_Seventh\_Day\_Adventist\_Church

8. Lastly, the Plaintiffs request that for clarity and ease of delivery, the Court enter all provisions of the Permanent Injunction in one document, that being the proposed Consolidated Permanent Injunction Order, which also deletes and supersedes some outdated, and duplicative verbiage. Submitted herewith as Exhibit A hereto is a redline of the language for the proposed Consolidated Permanent Injunction Order for the Court's review and consideration.

9. The Plaintiffs are unable to conduct a Counsel Consultation and provide the Court with a Certificate of Consultation pursuant to LR 7.2 because the counsel for the defense in this action at the Trial Court level was allowed to withdraw by Order dated March 10, 2011 (Document 176), and a review of the Pacer docket for this action does not indicate that an appearance of other Trial Court counsel has occurred

WHEREFORE, for the grounds set forth hereinabove as well as in the Memorandum in Support of this Motion filed herewith, the Plaintiffs respectfully request that the Court enter the proposed Consolidated Permanent Injunction Order submitted herewith.

Respectfully Submitted,

/s/ Philip M. Kirkpatrick  
Philip M. Kirkpatrick (BPR No. 6161)  
ADAMS AND REESE LLP  
424 Church Street, Suite 2700  
Nashville, Tennessee 37219  
Phone: 615-259-1485  
Fax: 615-259-1470  
[phil.kirkpatrick@arlaw.com](mailto:phil.kirkpatrick@arlaw.com)  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

Undersigned counsel for the Plaintiffs hereby certifies that a true and correct copy of the foregoing Motion and the [Proposed] Consolidated Permanent Injunction Order being submitted herewith to the Court, as well as Exhibit A hereto [Proposed] Consolidated Permanent Injunction Order-Redlined have been sent to the Defendant as follows, which addresses were determined from the sources specified below on this the 23<sup>rd</sup> day of July, 2015.

**From the Google+ page of Walter McGill:**

**Home:**

1162 Old Hwy 45

Guys, TN 38339

731.610.7341—Hard copies being sent by regular U.S. First Class Mail

**Work:**

PO Box 424

Idyllwild, CA 92549—being sent by regular U.S. First Class Mail, and by email electronically to [Sda\\_trademark\\_lawsuit@yahoo.com](mailto:Sda_trademark_lawsuit@yahoo.com)

**From [www.yahourrighteousness.net/flag/index.php/contact](http://www.yahourrighteousness.net/flag/index.php/contact) – the Cross Country trek “Contact” page for Walter McGill:**

Pastor Walter “Chick” McGill

PO Box 424

Idyllwild, CA 92549—being sent by regular U.S. First Class Mail, and by email electronically to [Csda\\_academy@yahoo.com](mailto:Csda_academy@yahoo.com)

**From the Notice of Compliance filed in this action on March 21, 2011, by attorney Charles L. Holliday (Document 177):**

Creation SDA Relief Projects of Uganda

c/o Walter McGill

P.O. Box 51

Kalangala—Uganda

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/s/ Philip M. Kirkpatrick